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IAP13 Rec'd PCT/PTO 08 JAN 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

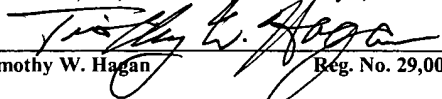
Application of

Applicants : Wooley et al
Serial No. : 10/569,159
Filed : October 13, 2006
Title : RETROVIRAL VECTOR AND CELL-BASED ASSAY FOR MEASURING
THE MUTATION RATE OF RETROVIRUSES EMPLOYING SAME
Docket : WRU 0255 PA/40878.341

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, on January 3, 2007.


Timothy W. Hagan Reg. No. 29,001

Sir:

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

This is in response to the Notification of Defective Response mailed December 27, 2006.

The notification states that the surcharge for late submission of the oath or declaration as set forth in 37 CFR 1.492(h) in the amount of \$65 was not submitted.

Applicants submit that the surcharge was paid with the initial filing fee; however, the amount of \$130.00 was improperly placed in the space for furnishing the English translation later than 30 months from the earliest priority date, rather than on the line relating to surcharges under §1.492(h). Applicants were clearly not required to pay a processing fee for late submission of an English translation since the PCT application from which the instant application claims priority was filed in English at the U.S. Receiving Office. The undersigned apologizes for the confusion caused by placing the fee amount on the wrong line of the form.

Applicants also note that a \$130 surcharge was paid when only \$65.00 was due. For the reasons set forth above, applicants respectfully request a refund in the amount of \$65.00.

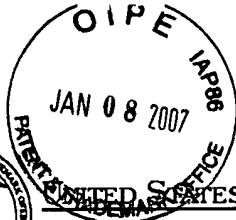
Respectfully submitted,

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By


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UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/569,159	Dawn Patricia Wooley	WRU 0255 PA/40878.341

INTERNATIONAL APPLICATION NO.

PCT/US04/26787

I.A. FILING DATE

08/18/2004

PRIORITY DATE

08/18/2003

23368

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ONE DAYTON CENTRE, ONE SOUTH MAIN STREET

SUITE 1300

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CONFIRMATION NO. 1714

371 FORMALITIES LETTER



OC00000021346546

Date Mailed: 12/27/2006

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 02/21/2006
- Copy of the International Search Report filed on 02/21/2006
- Copy of IPE Report filed on 02/21/2006
- Information Disclosure Statements filed on 05/22/2006
- Oath or Declaration filed on 10/13/2006
- U.S. Basic National Fees filed on 02/21/2006
- Priority Documents filed on 02/21/2006
- Power of Attorney filed on 10/26/2006

Applicant's response filed 10/26/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 09/29/2006 have not been completed.

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 was not received.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

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Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

CHARITTA A BURT

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10/569,159	PCT/US04/26787	WRU 0255 PA/40878.341

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